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DT04 Rec'd PCT/PTO 04 OCT 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Atty. Docket: ZAGURY9

In re Application of:) Conf. No.:
Jean-François Zagury)
) Art Unit:
)
Appln. No.: Not yet assigned) Examiner:
)
Filed:) Washington, D.C.
)
For: NEW PEPTIDES AND THEIR USE IN THERAPEUTICS) October 4, 2004
)
)

INFORMATION DISCLOSURE STATEMENT [IDS]

Honorable Commissioner for Patents
U.S. Patent and Trademark Office
2011 South Clark Place
Customer Window, Mail Stop
Crystal Plaza Two, Lobby, Room 1B03
Arlington, VA 22202

Sir :

This Information Disclosure Statement is submitted in accordance with 37 CFR §§1.97, 1.98, and it is requested that the information set forth in this statement and in the listed documents be considered during the pendency of the above-identified application, and any other application relying on the filing date of the above-identified application or cross-referencing it as a related application.

[X] 1. This IDS should be considered, in accordance with 37 CFR §1.97, as it is filed:

(Check one of the boxes A-D)

[X] A. within three months of the filing date of the above-identified national application or within three months of the entry into the national stage of the above-identified international application.

[X] B. before the mailing date of a first office action on the merits or before the mailing of a first Office action after the filing of a Request for Continued Examination under 37 C.F.R. §1.114.

[X] 2. In accordance with 37 CFR §1.98, this IDS includes a list (e.g., form PTO-1449) of all patents, publications, or other information submitted for consideration by the office, either incorporated into this IDS or as an attachment hereto. A copy of each document listed is attached, except as explained below.

(check boxes A and/or B and fill in blanks, if appropriate)

[X] A. Document(s) AA is a U.S. patent and/or published application. As this is a U.S. application filed after June 30, 2003, or an entry into national stage under 35 U.S.C. §371 after June 30, 2003, the requirement to file copies of such U.S. patents or published applications has been waived. (MPEP §609IIIA(2)(A)).

[] B. Document(s) _____ is (are) deemed substantially cumulative to document(s) _____, and, in accordance with §1.98(c), only a copy of each of the latter documents is enclosed.

[] C. Certain documents were previously cited by or submitted to the Office in the following prior application(s), which are relied upon under 35 U.S.C. 120:

(insert serial numbers and filing dates of prior applications)

Applicant(s) identifies these documents by attaching hereto copies of the forms PTO-892 and PTO-1449 from the files of the prior application(s) or a fresh PTO-1449 listing these documents, and request that they be considered and made of record in accordance with §1.98(d). Per 37 CFR §1.98(d), copies of these documents need not be filed in this application.

[] 3. Document(s) _____ is (are) not in the English language. In accordance with §1.98(a)(3), Applicant(s) states:

[] An English translation of each document _____ (or of the pertinent portions thereof), or a copy of each corresponding English-language patent or application, or English-language abstract (or claim) is enclosed. If a corresponding patent or application is being relied on, a line connecting the non-English-language document with its corresponding English-language document is drawn in the margin of the accompanying form PTO/SB/08a.

[] A concise explanation of the relevance of document(s) _____ is found in the attached _____ search report (see reply to Comment 68 in the preamble to the final rules; 1135 OG 13 at 20).

[] A concise explanation of the relevance of document(s) _____ is set forth as follows:

(insert concise explanation of relevance)

[] A concise explanation of the relevance of document(s) _____ can be found on page(s) _____ of the specification.

[] A concise explanation of document(s) _____ can be found on the attached sheet.

[X] 4. No explanation of relevance is necessary for documents in the English language (see reply to Comments 67 and 68 in the preamble to the final rules; 1135 OG 13 at 20).

[X] 5. Other information being provided for the examiner's consideration follows:

INTERNATIONAL SEARCH REPORT

6. In accordance with 37 CFR §§1.97(g) and (h), the filing of this IDS should not be construed as a

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representation that a search has been made or that information cited is, or is considered to be, material to patentability as defined in §1.56 (b), or that any cited document listed or attached is (or constitutes) prior art. Unless otherwise indicated, the date of publication indicated for an item is taken from the face of the item and Applicant(s) reserves the right to prove that the date of publication is in fact different.

Respectfully submitted,

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Substitute for form 1449A/PTO		Complete if Known	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT		Application Number	<u>10/510116</u>
(use as many sheets as necessary)		Filing Date	
		First Named Inventor	Jean-Francois Zagury
		Group Art Unit	
		Examiner Name	
Sheet	1	of	2
		Attorney Docket Number	
		ZAGURY9	

U.S. PATENT DOCUMENTS

FOREIGN PATENT DOCUMENTS

Examiner Signature		Date Considered	
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* EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kind Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

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**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Sheet

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of

2

Complete if Known

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Application Number

Filing Date

First Named Inventor

Jean-Francois Zagury

Group Art Unit

Examiner Name

Attorney Docket Number

ZAGURY9

OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	T ²
	AH	JOSEPHSON K. et al., "Noncompetitive Antibody Neutralization of IL-10 Revealed by Protein Engineering and X-Ray Crystallography", Structure, (July 2002), vol. 10, no. 7, pages 981-987.	
	AI	ZAGURY D. et al., "Toward a new generation of vaccines: The anti-cytokine therapeutic vaccines", Proceedings of the National Academy of Science, (July 3, 2001), vol. 98, no. 14, pages 8024-8029.	
	AJ	CHA S. et al., "Crystal Structure of TRAIL-DR5 Complex Identifies a Critical Role of the Unique Frame Insertion in Conferring Recognition Specificity", Journal of Biological Chemistry, (Oct. 6, 2000), vol. 275, no. 40, pages 31171-31177.	
	AK	BRAVO J., et al., "Receptor recognition by gp130 cytokines", European Molecular Biology Organization, (June 1, 2000), vol. 19, no. 11, page 2403, 2406, and 2408.	
	AL	FAIRBROTHER W.J. et al., "Novel Peptides Selected to Bind Vascular Endothelial Growth Factor Target the Receptor-Binding Site", Biochemistry American Chemical Society, (Dec. 22, 1998), pages 17754-17764.	
	AM	CHAIKEN I. M., et al., "Identifying structure-function relationships in four-helix bundle cytokines: towards de novo mimetics design", Trends in Biotechnology, (Oct. 1996), vol. 14, no. 10, pages 369-375.	

Examiner Signature

Date Considered

* EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached.